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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/759,182

01/12/2001

Peter J. Lanigan

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07/16/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/16/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,182

Applicant(s)

LANIGAN, PETER J.

Examiner

Ricardo M. Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-5, 7-13 is/are rejected.
- 7) ☒ Claim(s) 3,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “24” and “10” in Fig. 1 have both been used to designate “a source”. It is suggested to an applicant to label element 24 as a “remote source” and element 10 as a “local source”. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: It is suggested to applicant to insert “local” before -source device – throughout the specification, to differentiate element 10 from the remote source 24 .

Appropriate correction is required.

Claim Objections

3. Claims 1-13 are objected to because of the following informalities:

In claim 1 line 2 delete "the", in line 3 insert "local" before -source- in line 11 insert "single" before -data-.

In claim 2 line 1 insert "local" before -source_.

In claim 3 line 2 insert "local" before -source-

In claim 6 line 1 insert "local" before -source-, in line 2 replace "the" with -a-.

In claim 7 line 1 replace "the" with -a-, in line 2 delete "the or".

In claim 8 line 1 replace "said" with -a-, in line 2 insert "local" before -source-.

In claim 11 line 2 delete "the".

In claim 12 line 1 delete "the".

In claim 13 line 2 delete "the".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5, 7-8, 10- 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer.

Art Unit: 2661

US patent No. 5,570,372 (Shaffer et al) discloses multimedia communications with system dependent adaptive delays, comprising a cluster of devices (Device 10 and end devices in network 12 of Fig.1) interconnected for the communication of data in streams, wherein one of said devices is a source device (i.e. Visual telephone device 10 in Fig. 1) for at least two data streams (audio and video streams) to be sent to one or more other devices as destination devices of said cluster(at least one destination device in network 12 in Fig. 1), said source device including: buffering means arranged to apply a respective delay to at least one of o said at least two data streams (Buffer video device 40 and buffer audio delay 42 devices in Fig.1) ; and multiplexing means coupled with said buffering means and arranged to combine said at least two streams into a single data stream for transmission (multiplexer device 26 in Fig. 1); the system further comprising a first data channel linking said source and destination devices and carrying said data stream for transmission from the source device to each destination device (single bit stream is received at a network interface 38 that exercises adaptations between terminal and network, col 4 lines 2-4), as in claim 1; wherein said source device further comprises an input to receive said at least two data streams from a remote source (video and audio inputs in Fig. 1), as in claim 2; wherein said audio data is digital audio data (col 5 line 44), as in claim 5; wherein the first and second data streams are encoded according to a first communications protocol (devices 28 and 34), as in claim 7; wherein said first data channel is a digital data communication bus to which the devices are respectively interfaced, with said multiplexed data streams being carried thereupon as discrete data packets (single bit stream is received at interface 38 , col 4 lines 2-4) , as in claim 8; the system comprising two or more source devices (audio source and video source 22 and 30 respectively), as in claim 10.

Art Unit: 2661

Shaffer did not specifically disclose transmitting from said source as in claim 1 and each destination device comprising a respective decoder operating according to said protocol, as in claim 7 and that at least one of said two or more source devices comprises the technical features of a destination device of the system, as in claim 11, processing apparatus comprising the technical features of the source/destination device in a system as in claims 12 and 13.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention that since Shaffer discloses that the system is capable of providing separate compensation delays at the originating system and the receiving system (col 6 lines 54-57) and that destination, source and processing devices would have needed to have a compatible protocol in order to be operable, it would have been obvious to place such delay in the transmission side with the motivation of implementing synchronization in the system without increase in equipment expense.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Okada.

Shaffer did not specifically disclose said digital video data having a different destination device than the audio data, as in claim 4.

Okada discloses an audio video decoding system wherein digital video data has a different destination than the audio data (two different destination devices 26 and 25 in Fig. 1), as in claim 4.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the different destination devices for the video data and the audio data as

Art Unit: 2661

disclosed by Okada to the system disclosed by Shaffer with the motivation of obtaining a system that provides an audio/video system capable of accurately obtaining reproduction timing for an audio and a video output.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of Rostoker.

Shaffer did not specifically disclose a data channel that is a wireless communications link for which each of the destination devices is provided with at least a receiver and said source device is provided with at least a transmitter, as in claim 9.

US patent no. 6,111,863 (Rostoker et al) discloses a method for dynamic allocation of audio and video signals wherein a data channel is a wireless communications link for which each of the destination devices is provided with at least a receiver and said source device is provided with at least a transmitter (col 3 lines 31-42) , as in claim 9.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the wireless system as disclosed by Rostoker to the system disclosed by Shaffer with the motivation of obtaining a system that overcomes bandwidth limitation problems and provides video communication capability to the communication system.

Allowable Subject Matter

8. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please also notice objection to claim under 37 CFR 1.75.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US patent No. 5,668,601 (Okada et al) discloses an Audio/video decoding system
- US patent No. 6,163,646 (Tanaka et al) discloses an Apparatus for synchronized playback of audio-video signals.
- US patent No.6,275,507 (Anderson et al) discloses a Transport demultiplexor for MPEG-2 data streams.
- US patent No. 6,072, 809 (Agrawal) discloses a Statistical method for controlling playback delay including a **buffer delay device** (col 4 lines 20-22)

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (703) 305-1121. The

Art Unit: 2661

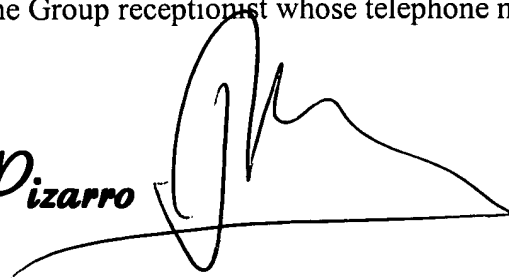
examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. The fax number for this Group is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Douglas Olms**, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

July 1, 2004

Ricardo M. Pizarro

A handwritten signature in black ink, appearing to be 'R. Pizarro', with a long horizontal line extending to the right.